



South Coast
Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

Office of the Executive Officer
Wayne Nastri
909.396.2100, fax 909.396.3340

September 12, 2018

Andrew K. Wheeler
Acting Administrator
U.S. Environmental Protection Agency
Office of the Administrator, Code 1101A
1200 Pennsylvania Avenue
NW Washington, D.C. 20460

Heidi King
Deputy Administrator
National Highway Traffic Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue SE
Washington, DC 20590

Attn: Docket ID Nos. EPA-HQ-OAR-2018-0823 & NHTSA-2018-0067
Submitted electronically to www.regulations.gov

Re: Request for Extension of Comment Periods for Proposal Published at 83 FR 42986 (August 24, 2018), *The Safer Affordable Fuel-Efficient Vehicles Rule for Model Years 2021-2016 Passenger Cars and Light Trucks*

Dear Administrator Wheeler and Deputy Administrator King:

The South Coast Air Quality Management District requests an extension of the public comment periods for the EPA/NHTSA Notice of Proposed Rulemaking (NPRM) published at 83 FR 42986 and the related Draft Environmental Impact Statement (DEIS) prepared by NHTSA.

Specifically, the District requests an extension of the NPRM comment period to a total that is not less than 120 days. The District also respectfully requests that the DEIS receive an equivalent comment period. Extending and aligning the comment periods, consistent with this request, will better ensure that stakeholders are afforded a *reasonable period* for public participation, consistent with Congressional intent. *See* Clean Air Act section 307(h). Because of the joint proposal's breadth, its unprecedented scope, and its voluminous, accompanying record materials, more time is needed to promote meaningful public comment. Extending the comment period will also accord with agency policy, including recently reaffirmed policy to "provide the fullest possible public participation in [EPA] decision making."¹

Alignment of the comment periods, as requested, may also help to avoid a potentially significant procedural error. It appears EPA's proposal and, potentially, its ultimate rulemaking determinations may rely on and incorporate factual data from the DEIS. Given the likelihood of centrally relevant comments on the DEIS, it is not clear how the present misalignment of the comment end dates can be maintained consistent with EPA's procedural obligations under Clean Air Act section 307(d). Illustrating our concern, the District intends to submit comments on the important issue of criteria pollutant impacts. Even as our future-contemplated comments may cite the DEIS, the District, for its position, does not believe they would be fairly relegated to being comments on the DEIS alone. Alignment of the comment periods is thus need to avoid the risk or appearance of arbitrary mishandling of comments.

Last, consistent with the above-mentioned principle to favor the fullest possible public participation, the District supports and echoes other stakeholder requests to reinstate and add to the agencies' plans for public hearings. It is yet to be explained how the NPRM came to say with firmness that "NHTSA and EPA will jointly hold three public hearings in Washington, DC; the Detroit, MI area, and in the Los Angeles, CA area," 83 FR at 42986, yet the separate, same-day notice changed course to announce, "The agencies have decided to instead to hold three public hearings, in Fresno California, Dearborn Michigan, and Pittsburgh Pennsylvania...." 83 FR 42817. As must be acknowledged, this change in plans shifts the planned hearings to metropolitan areas that, on a collective basis, would have fifteen million fewer persons potentially interested in commenting on this highly consequential proposal. Curiously and irregularly, the announcement of public hearings was not dated by its

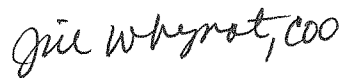
¹ Message from the Administrator, "Public Participation and Transparency in EPA Operations," (July 30, 2018). The *fishbowl* memo, as tradition calls it, had further committed to the principle that "[r]obust and civil dialogue with the public enhances the quality of [EPA] decisions."

Administrator Wheeler & Deputy Administrator King
Docket ID Nos. EPA-HQ-OAR-2018-0823 & NHTSA-2018-0067
September 12, 2018
Page 3

signatories, and the EPA signing official holds a position that has never previously signed any similar public hearing announcement. Absent a properly documented justification to explain and account for the change in venues, these irregularities should be addressed by reinstating and supplementing the agencies' original plan for public hearings.

Thank you for your prompt consideration of this extension request. If you have any questions or wish to discuss this matter, please contact me at (909) 396-3131 or wnastri@aqmd.gov.

Sincerely,

Handwritten signature of Julie Whynot, COO.

for Wayne Nastri
Executive Officer

WN/slr

